UNITED STATES DISTRICT COURT DISTRICT OF SOUTH CAROLINA

| Spencer Utsey, # 192660, | |) C/A No. 8:11-0113-JMC-JDA) [formerly C/A No. 2:11-0113-JMC-RSC]) |
|--|---------------------------|--|
| | Plaintiff, |))) |
| vs. | |))) ORDER |
| tate of South Carolina; layor of Bishopville; ppellate Court; ally Elliot, <i>Attorney General</i> ; eber Death Row; overnor; .S. Supreme Court; resident Obama, <i>All in individual and official ca</i> | ol and official capacity, |) ORDER)))))))))))) |
| | Defendants. |))) |

This is a civil rights action originally brought by three (3) prisoners at the Lee Correctional Institution in Bishopville, South Carolina. In an order (ECF No. 4) filed in this case on February 1, 2011, the Honorable Robert S. Carr, United States Magistrate Judge, directed that Lavern Gause and Clifton Singletary be terminated as plaintiffs and that separate civil action numbers to be assigned to address their claims. As a result, **Spencer Utsey** became the **sole** Plaintiff in this case.

This matter is before the Court because of Plaintiff's failure to comply with the magistrate judge's subsequent order (ECF No. 9) of February 4, 2011. A review of the record indicates that the magistrate judge ordered Plaintiff to submit items needed to render this case into "proper form" within twenty-one (21) days, and that if he failed to do so, this case would be dismissed *without prejudice*. Plaintiff has failed to respond to the magistrate judge's order.

Accordingly, the above-captioned case is dismissed *without prejudice*. The Clerk of Court shall close the file.*

IT IS SO ORDERED.

March 4, 2011 Greenville, South Carolina <u>s/J. Michelle Childs</u> United States District Judge

^{*}Under the General Order (Misc. No. 3:07-MC-5014-JFA) filed on September 18, 2007, this dismissal *without prejudice* does *not* count as a "strike" for purposes of the "three strikes" provision of 28 U.S.C. § 1915(g). If Plaintiff wishes to bring this action in the future, he should obtain new forms for doing so from the Clerk's Office in Columbia (901 Richland Street, Columbia, South Carolina 29201).